

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 05-823-SLR
)	
STANLEY TAYLOR, et al.,)	JURY TRIAL REQUESTED
)	
Defendants.)	

AFFIDAVIT OF MICHAEL KNIGHT

I, Michael Knight, having been duly sworn by law, do hereby depose and state as follows:

1. I am employed by the State of Delaware Department of Correction ("DOC") as the Food Services Administrator for all DOC facilities statewide. I have been employed by the DOC since 1986. In 1999, I was promoted to Food Service Manager and in 2000 to Food Service Director. I have been in my present position since 2004.

2. The State of Delaware Division of Public Health inspects all of the DOC kitchens once a year. These inspections have resulted in better than satisfactory evaluations. Additionally, the Security Chief Officer performs an unannounced once a year inspection. Lastly, each facility has its own inspectors who are free to walk through the kitchens at any time to make inspections. Whenever I do performance evaluations of the DOC kitchen staff, I also make an inspection at that time.

3. The kitchens are cleaned daily. There are also monthly inspections which includes checking the exhaust ventilation systems by the facility's maintenance staff. Periodic preventive maintenance is also carried out on the heavy kitchen equipment by

Electric Motor Repair Company ("EMR") a state contracted repair service.

4. The DOC kitchen facilities are inspected once a year by the State of Delaware Board of Health. ("Board") The Board uses the State of Delaware Food Code, a science based regulation. These inspections assure the food is being handled properly from preparation through serving. Inspectors observe kitchen worker's food handling practices, make sure equipment is working properly, take food temperatures, inspect refrigerators and storage areas, and measure water temperatures and sanitizer levels. If a problem is detected it is noted on a check list. Additionally, each DOC institution has its own set of inspectors who can make compliance visits to the kitchens at any time. SCI kitchen has always passed inspections during these unannounced visits.

5. DOC and inmate staff are all trained in kitchen food safety through a program called ServSafe. The ServSafe course book also includes a five part video series instructing kitchen personnel on the following subjects: serving safe food, contamination and food-borne illness, ensuring proper personal hygiene, and storing, preparing, cooking, and serving food. Additionally, there's instruction on sanitary facilities and equipment, cleaning and sanitizing, and pest management.

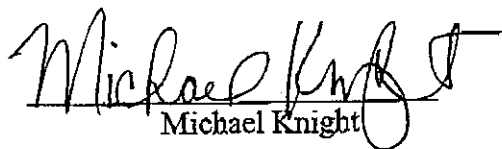
6. In July 2005 it was reported by Food Service Supervisor Joseph Adkins that an inmate had found a parasite in a beef cube steak (hamburger). Adkins investigated and confirmed the finding keeping a sample of the material for testing. The State of Delaware Department of Agriculture assisted in the investigation. The contaminated material was sent to an epidemiologist outside the State to be analyzed. The results indicated that the parasite was fly larvae, a type which generally takes between 8 to 12 hours to hatch into larvae. The results also confirmed that neither the fly eggs nor larvae

would have survived the freezing or the high temperature cooking conditions documented on the production sheets reviewed. The foreign material therefore, had to have been placed in the food subsequent to cooking and prior to serving. These results pointed to food tampering, which essentially cleared the SCI food service department as well as the food vendor as the source of contamination. Following the investigation, the inmate who "found" the parasite was interviewed again. It became clear that some of his responses were untruthful as he made several changes to his initial story and then could not remember the events that took place. Based on the investigation as well as the inmate's version of events, it could not be determined the exact source of the contamination.

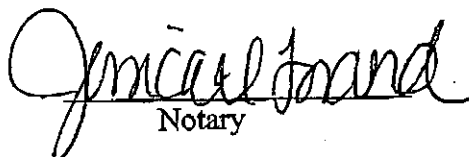
7. Tri-County Pest Control Inc., based in New Jersey was awarded a contract in 2004, to maintain pest control in all of the DOC facilities. The contract was renewed in March, 2007 and extended to July 31, 2008. Kitchens and food storage areas in the facilities receive a control application every two weeks. Most of the remaining structures are on a monthly schedule with a few structures being on an "as required" basis. Maintenance in each institution monitors the contract.

8. The SCI kitchen is not air-conditioned. Admittedly, during the summer months conditions can become uncomfortable. The DOC kitchen staff however, is working under the same conditions as the inmate staff. While the DOC staff has an air-conditioned office where necessary administrative work is performed, the majority of their time is spent in the kitchen training and overseeing the inmate staff. Additionally, there are no Board of Health requirements mandating air conditioning in kitchens, and it would not be unusual for a restaurant kitchen in the private sector to rely upon fans for cooling (and not have air conditioning), like SCI kitchen.

9. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Michael Knight

SWORN AND SUBSCRIBED before me this 11th day of May, 2008.


Notary

